

of June 15, 1950 (64 Stat. 217) (48 U.S.C. 644a), according to the laws of the United States relating to such an act or deed taking place, on the high seas, on board a merchant vessel or other vessel belonging to the United States.

§ 935.23 Civil rights, powers, and duties.

In any case in which the civil rights, powers, and duties of any person on Wake Island are not otherwise prescribed by the laws of the United States or this part, the civil rights, powers, and duties as they obtain under the laws of Hawaii apply to persons on Wake Island.

Subpart D—Criminal Law

§ 935.31 General.

In addition to any act made criminal in this part, any act committed on Wake Island that would be criminal if committed on board a merchant vessel or other vessel belonging to the United States is a criminal offense and shall be adjudged and punished according to the laws applicable on board those vessels on the high seas.

Subpart E—Petty Offenses

§ 935.41 Criminal offenses.

No person may on Wake Island—

- (a) Sell or give an alcoholic beverage manufactured for consumption (including beer, ale, or wine) to any person who is not at least 18 years of age, without the permission of that person's parent or guardian;
- (b) Procure for, engage in, aid or abet in, or solicit for prostitution;
- (c) Use any building, structure, vehicle, or public lands for the purpose of lewdness, assignation, or prostitution;
- (d) Possess or display (publicly or privately) any pornographic literature, film, device, or any matter containing obscene language, that tends to corrupt morals;
- (e) Make any obscene or indecent exposure of his person;
- (f) Commit any disorderly, obscene, or indecent act;
- (g) Commit any act of voyeurism (Peeping Tom);
- (h) Enter upon any assigned residential quarters or areas immediately ad-

jacent thereto, without permission of the assigned occupant;

(i) Discard or place any paper, debris, refuse, garbage, litter, bottle, can, human or animal waste, trash or junk in any public place, except into a receptacle or place designated or used for that purpose.

(j) Commit any act of nuisance;

(k) With intent to provoke a breach of the peace or under such circumstances that a breach of the peace may be occasioned thereby, act in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to any other person;

(l) Be drunk in any public place;

(m) Use any profane or vulgar language in a public place;

(n) Loiter or roam about Wake Island, without any lawful purpose, at late and unusual hours of the night;

(o) Lodge or sleep in any place without the consent of the person in legal possession of that place;

(p) Grossly waste any potable water; or

(q) Being a male, knowingly enter any area building or quarters reserved for women, except in accordance with established visiting procedures.

(r) Smoke or ignite any fire in any designated and posted "No Smoking" area, or in the immediate proximity of any aircraft or fueling pit;

(s) Enter any airplane parking area or ramp, unless he is on duty therein, is a passenger under appropriate supervision, or is authorized by the Commander to enter that place;

(t) Interfere or tamper with any aircraft or servicing equipment or facility, or put in motion the engine of any aircraft without the permission of its operator;

(u) Post, distribute, or publicly display advertisements, signs, circulars, petitions, or similar materials, solicit, picket, or parade in any public place or area where prohibited by the Commander pursuant to § 935.15.

[37 FR 12384, June 23, 1972; 37 FR 13175, July 4, 1972]

Subpart F—Penalties

§ 935.51 Petty offenses.

Whoever is found guilty of a violation of any provision of subpart E of

this part is subject to a fine of not more than \$500 or imprisonment of not more than 6 months, or both.

§935.53 Motor vehicle violations.

Whoever is found guilty of a violation of subpart N of this part is subject to a fine of not more than \$100, imprisonment of not more than 30 days, or suspension or revocation of his motor vehicle operator's permit, or any combination or all of these punishments.

[37 FR 12384, June 23, 1972, as amended at 37 FR 14567, July 21, 1972]

§935.55 Violations of Subpart O or P of this part.

(a) Whoever is found guilty of a violation of subpart O or P of this part is subject to a fine of not more than \$100, or imprisonment of not more than 30 days, or both.

(b) The penalties prescribed in paragraph (a) of this section are in addition to and do not take the place of any criminal penalty otherwise applicable and currently provided by the laws of the United States.

§935.57 Contempt.

Judges of the Wake Island Court may, in any civil or criminal case or proceeding, punish any person for disobedience of any order of the court, or for any contempt committed in the presence of the court, by a fine of not more than \$100, or imprisonment of not more than 30 days, or both.

Subpart G—Judiciary

§935.60 Wake Island Court.

(a) The judicial authority at Wake Island is vested in the Wake Island Court.

(b) The Wake Island Court consists of a Chief Judge and four Associate Judges, appointed by the General Counsel, for a term of 1 year. The Chief Judge assigns matters to judges, determines whenever the Court sits individually or en banc, and prescribes rules of the Court not otherwise provided for in this Code.

(c) Sessions of the Court are held on Wake Island at times and places designated by the Chief Judge.

§935.61 Island Attorney.

There is an Island Attorney, appointed by the General Counsel for a term of 1 year. The Island Attorney represents the United States in the Wake Island Court and in the Wake Island Court of Appeals.

§935.62 Public Defender.

There is a Public Defender, appointed by the General Counsel for a term of 1 year. The Public Defender represents any person charged with an offense under this Code who requests representation.

§935.63 Clerk of the Court.

There is a Clerk of the Court, who is appointed by the Chief Judge. The Clerk maintains a public docket containing such information as the Chief Judge may prescribe, and performs such other duties as the Court may direct.

§935.64 Jurisdiction.

(a) The Wake Island Court has jurisdiction over all offenses under this Code and all actions of a civil nature, cognizable at law or in equity, where the amount in issue is not more than \$1,000, exclusive of interests and costs, change of name or domestic relations matters;

(b) The United States is not subject to suit in the Court;

(c) The United States may intervene in any matter in which the Island Attorney determines it has an interest.

§935.65 Court of Appeals.

(a) The appellate judicial authority for Wake Island is vested in the Wake Island Court of Appeals.

(b) The Wake Island Court of Appeals consists of a Chief Judge and one Associate Judge, appointed by the General Counsel for a term of 1 year. The Chief Judge assigns matters to judges, determines whether the Court sits individually or en banc, and prescribes rules of the Court not otherwise provided for in this Code.

(c) Sessions of the Court of Appeals are held in Washington, DC, at times and places designated by the Chief Judge.